

MINUTES
BOARD OF ADJUSTMENT
October 2, 2008

THOSE IN ATTENDANCE:

Gary Soule, Chairman	Jason Jaggi, Planner
Mel Disney	Kevin O'Keefe, City Attorney
Kevin Williams	
Anne Bishop	

Chairman Soule called the meeting to order at 5:00 p.m. He welcomed everyone to the meeting, introduced himself and asked that the other members of the Board introduce themselves.

Chairman Soule stated that the members of this Board are appointed by the Mayor and approved by the City's Board of Aldermen and serve without monetary compensation. He indicated that a full compliment of the Board consists of five members and that four members must vote in favor of a variance in order for a variance to be granted. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record.

Chairman Soule noted that there are only four members in attendance this evening and that since one of the members must leave at approximately 5:45, he will begin the meeting with the appeal and that the minutes from the previous meeting will be considered for approval afterwards. He stated that he understands that the applicant was previously made aware that only four members would be in attendance this evening and that the applicant desired to proceed with the appeal.

APPEAL FROM JOHN & KATHERINE MATHEWS FOR THE PROPERTY AT 7733
KINGSBURY BOULEVARD

John Mathews, owner, and David Mastin, project architect, were in attendance at the meeting.

Everyone wishing to speak this evening regarding the appeal was sworn in by the recording secretary.

Chairman Soule asked Jason Jaggi to provide an overview of the appeal.

Jason Jaggi began a PowerPoint presentation. Jason noted that this property is divided between the City of Clayton (on the west) and University City (on the east) and that Clayton has jurisdiction as the owners pay taxes to Clayton. A slide depicting the property's zoning designation and that of surrounding properties was presented. He indicated that the existing

structure was constructed in 1908 which precedes the adoption of a Zoning Ordinance. He indicated that the irregularly shaped (especially at the rear) lot is 10,457 square feet and that the front setback is more generous than others in the area. Slides depicting an aerial map and site photos were presented. Jason noted that Oryan Place Condominium is close to the subject property. He stated that the owners are requesting a 22.7' variance from the required rear yard setback of 30' to construct an addition.

Mr. Mastin stated that the house has a lot of front yard and a very little rear yard, with a trapezoidal back yard. He indicated that the owner's goal is to construct a modest addition at the rear of the existing structure to accommodate Mrs. Matthews' parents during their visits. Mr. Mastin asked that the members refer to the site plan which depicts the required 30' rear building line and noted that the existing building goes through that line. He noted that some obstacles include an existing 24" diameter tree and the existing driveway. He stated that the house is historical as it was built 100 years ago and that putting an addition onto the front of the house would damage its original design. He stated that additionally, a front addition would result in plan layout issues. Mr. Mastin also noted the City's minimum 10' separation requirement between an accessory structure and the principle structure. He referred to the floor plan, stating that the bedroom addition is of modest size and that the small bay window which projects out of the north end of the bedroom will provide a desk area as well as light from the driveway side of the house. He stated that the addition is 1 story. He stated that he is mindful of the time constraint this evening, but wants to be sure everything is covered.

Mr. Mathews commented that he believes Mr. Mastin covered everything.

Chairman Soule asked if there were any other questions for Jason.

None were received.

Chairman Soule asked if the City would like to present its exhibits.

City Attorney O'Keefe presented the following exhibits with regard to the application. He asked that they be entered into the record on behalf of the City:

- A. City's Code of Ordinances;
- B. City's Zoning Ordinance;
- C. Section 17.8.2 of the Zoning Ordinance;
- D. Application for Appeal and supplemental correspondence;
- E. Site Survey;
- F. Site Plan;
- G. Staff Report.

Chairman Soule indicated that barring any objections, all Exhibits will be received. Exhibits were received.

Mel Disney asked if the City's permit will allow construction in another City.

Kevin O’Keefe indicated that the City is not authorized to issue permits for building in another City and assumes that if there is a conflict with University City that the owner will have to take up the matter with University City as we only deal with Clayton.

Chairman Soule asked if staff believes the shape of the lot to be irregular, especially at the rear of the property.

Jason Jaggi replied “yes”.

Chairman Soule asked what characteristics are unique to this property.

Jason Jaggi indicated that the shape of the lot, placement of improvements on the property that are already not in conformance with the setback requirements and large front yard are all unique. Jason noted that the 10’ separation requirement between the garage and house is being maintained with this addition. He stated that the area is very limited for an addition.

Chairman Soule asked about this single family dwelling being located in a multi-family residentially zoned district.

Jason Jaggi indicated that although this situation is not common, a single family residence in a multi-family district is permitted.

Chairman Soule asked if there is a density issue here as well.

Jason Jaggi replied “yes”.

Chairman Soule asked staff’s opinion regarding the size of the addition.

Jason Jaggi indicated that the addition is small in comparison to other additions that have been constructed in Clayton.

Chairman Soule asked if the applicant considered alternatives.

Jason Jaggi replied “yes”. He noted that four alternatives were discussed in the appeal application and that staff has no argument as to why those alternatives were rejected.

Chairman Soule asked that the alternatives be discussed.

Mr. Mastin stated that adding living space above the existing garage presents a zoning problem in that second units are not permitted in a multi-family district and that if the addition were placed on the side it would not only run into the driveway, but would require the removal of a large mature tree. He stated that if the addition were put onto the front of the existing house, it would ruin the characteristic of the arts and crafts style historic structure which should not be destroyed. He stated that living and dining room accessibility issues would also be a factor.

Chairman Soule asked where additions typically are placed.

Jason Jaggi replied that additions are typically constructed at the rear or side.

Chairman Soule asked if it is staff's opinion that the shape of the lot and the configuration of the existing improvements prohibit a reasonable addition.

Jason Jaggi replied "yes".

Chairman Soule asked about a carriage house.

Jason Jaggi informed the members that the owner approached the City about the idea but was informed that a carriage house (second unit) is prohibited in his zoning district (multi-family) so in order to accomplish that, his property would either have to be rezoned or the Zoning Ordinance amended so as to allow second units in multi-family districts.

Mel Disney asked about the property's historical designation.

Mr. Mathews indicated that it is not on the National Register, but is considered historic by University City.

Mel Disney asked if it is on the County register.

Mr. Mathews indicated that he does not know.

Mel Disney asked if Mr. Mathews would agree to a prohibition of an addition onto the front of the house if this addition is approved.

Mr. Mathews replied "theoretically yes". He stated that he has no intention of building onto the front of his house.

Chairman Soule asked if there was anyone in the audience wishing to speak about this request.

Mr. Jeff Nornberg, 328 N. Bemiston Avenue, stated that his property backs to the subject property. He distributed a drawing and photographs showing the relationship between the two properties. He indicated that his objection to the proposal is that there is clearly a lot of front yard and that he does not buy the argument that a front addition would change the character of the structure. He stated that he is in the building profession himself and that he would not consider this without reviewing alternate drawings. He stated that windows could be added to the side of the dining room. He stated that there are a number of issues with this project (i.e. roof deck, storage area, rear stairs) and is concerned with the impact this addition would have on his property such as the lack of sunlight from the south due to the apartment building which runs the entire length of his property. He stated that it does not seem right to extend the house further

back. He referred to an addition that was recently constructed on a house on Linden in University City that has no historical significance.

Mel Disney asked if the second floor deck could be enclosed without the need for a variance.

Jason Jaggi indicated that he believes that would require a variance as well.

Kevin Williams asked about eliminating the roof deck.

Mr. Nornberg reiterated that he would like to see evidence that the alternatives were explored. He stated that when he put an addition onto his house the dining room became a library and the living room became a bedroom as rooms do not have to stay the same use.

Kevin Williams asked Mr. Nornberg how he would feel if the owners built a two story carriage house.

Mr. Nornberg indicated that he would have no concern with that as it would be furthest from his property. He stated that Mr. Mathews' privacy fence does not shield and water from Mr. Mathews' property drains onto his property.

Chairman Soule advised Mr. Nornberg that the Board of Adjustment has limited authority and that water drainage issues are not the purview of this Board.

Jason Jaggi informed the members that the property, including the proposed addition, complies with the impervious coverage regulations and that storm water issues are handled at permit level. He stated that he does not believe that MSD would require a permit for this small of an addition.

Ms. Susan Waugh, 330 N. Bemiston Avenue, informed the members that she would be against a carriage house.

Chairman Soule informed Ms. Waugh that a carriage house is not the topic of discussion and asked how she feels about the proposal.

Ms. Waugh stated that the addition would infringe on her privacy in her back yard and that she is concerned about the Nornbergs. She indicated that the Mathews are asking for an enormous variance.

Being no further questions or comments, Chairman Soule made a motion to grant a variance to Section 17.8.2 of the Zoning Ordinance to approve a 22.7' variance from the 30' rear setback requirement for the purposes of an addition. The motion was seconded by Anne Bishop and received the following roll call vote: Ayes: Chairman Soule, Mel Disney, Anne Bishop. Nays: Kevin Williams. Motion fails – the variance is denied.

MINUTES

The minutes of the meeting of September 4, 2008 were presented for approval. Anne Bishop noted that the meeting began at 5:30 p.m., not 5:00 p.m. The minutes were then approved, as amended, after having been previously distributed to each member.

Being no further business for the Board of Adjustment, this meeting adjourned at 5:50 p.m.

Recording Secretary